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July 1, 1998

CALFED Bay-Delta Program
1416 Ninth Street, Suite 1155
Sacramento, California 95814
Attn: Mr. Rick Breitenbach

Re: Comments on the CALFED Programmatic EIS/EIR

Dear Mr. Breitenbach,

The Oakdale Irrigation District (OID) and South San Joaquin Irrigation District (SSJID) appreciate the opportunity to comment upon the CALFED Programmatic EIS/EIR. We hope the following comments will be used to improve the CALFED EIS/EIR and will help to guide CALFED in selecting the preferred alternative and implementing the programs and policies contained in the CALFED process.

The comments provided by OID and SSJID are primarily concerned with the Ecosystem Restoration Program Plan (ERPP), which includes consideration of and recommendations for restoration of the ecosystems of the eastside San Joaquin River Tributaries These tributaries include the Stanislaus River, from where both OID and SSJID obtain much of the water used to serve their customers. In addition to providing specific comments on the ERPP documents, which follow below, OID and SSJID have three general comments on the ERPP.

First, OID and SSJID are disappointed that CALFED has not addressed issues raised previously by OID and SSJID concerning the data and evidence underlying the factual assertions made throughout the ERPP. As pointed out in previous comments to the ERPP by OID and SSJID, CALFED provides no citations to data, reports, or any other sources for many of the factual assertions in the ERPP. For example, the ERPP states that historical unimpaired run-off of the Stanislaus River is 1.2 million acre-feet, but has no citation for where this figure came from, how it was derived, or where this run-off amount was measured. Without knowing the source for the factual and scientific assertions made by CALFED, members of the public, including OID and SSJID, cannot meaningfully assess and evaluate the ERPP or the remainder of the CALFED restoration program. For the CALFED EIS/EIR to be considered a meaningful evaluation of the environmental impacts of the CALFED program, the source of the factual and scientific information in the ERPP, and throughout the EIS/EIR, must be indicated.

Second, OID and SSJID are extremely concerned about CALFED's erroneous belief that there is an existing anadromous run of steelhead in the Stanislaus River. CALFED's continued reference to steelhead in the eastside San Joaquin tributaries seems to stem from a single, 60

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year-old report of anadromous steelhead on the Tuolumne River (see page 433 of Ecosystem Restoration Program Plan Volume II: Ecological Zone Visions), along with the occasional steelhead captured at the Merced River Hatchery. This limited data is far too meager a basis from which to postulate a run of steelhead throughout the eastside San Joaquin River Tributaries. At best, CALFED can justify continued study of the trout in the San Joaquin River system to determine whether these fish are in fact anadromous. There is certainly no reasonable basis for any action to "manage" or "restore" the "steelhead run" in the eastside tributaries, when there is so little evidence of such a run existing. CALFED needs to remove from the ERPP all discussion of "restoring" or "managing" steelhead in eastside tributaries, including the Stanislaus River, until it has sufficiently established the existence of an anadromous steelhead population.

Third, OID and SSJID continued to be concerned about the effects of harvest on anadromous fish populations throughout the Bay-Delta system. CALFED must quantify the relative impacts of harvest, water flow, and habitat degradation on salmon populations in order to determine where best to apply its efforts. In addition, as clearly evidenced by the ERPP, CALFED has interpreted its mandate to include the entire Delta watershed. If CALFED's mandate extends to such issues as land use throughout the Delta watershed, then its mandate also must extend to all aspects of the anadromous fish life-cycle, including the entire ocean-going phase. Restoration and recovery of salmon in the Central Valley simply will not occur unless the continued over-exploitation of anadromous fish by both commercial and recreational fishing is aggressively addressed by CALFED. All means of managing the harvest of anadromous fish must be considered, including the possibility of a complete moratorium on harvest until runs have been restored to sustainable levels, and/or intermittent moratoriums when conditions warrant (such as during dry or critically dry years). Unless and until harvest is realistically addressed, the ERPP will continue to inadequately address all the management techniques needed to restore anadromous fish stocks in the Central Valley.

In addition to the above general comments, OID and SSJID also have the following specific comments on the ERPP. Page number references are from Ecosystem Restoration Program Plan Volume II: Ecological Zone Visions.

Page 398

- What is the source for the assertion "The average unimpaired runoff in the [Stanislaus River] basin is 1.2 million acre-feet"?
- From what period of time is the data for the "monthly unimpaired flows at New Melones"?

Page 399

- What is the point of having both "monthly unimpaired flows at New Melones" and "monthly historical average flow at Ripon"? Are there two different conclusions that should be drawn from these numbers? Are they supposed to mean different things?

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- For the period indicated in the chart on page 398, and therefore presumably the source of the data on page 399, from 1981 to 1991, the flow at Ripon was almost entirely controlled by releases from New Melones Reservoir. Thus, what is the point of this data? To indicate what the Bureau decided to release during that time? This time period also includes 1987-1993, an extremely dry series of years which skew the data. In short, this time period has almost no value in indicating what the actual, historical conditions of the Stanislaus River were before the dams were built, and so has just as little value in determining what flow is needed in the Stanislaus for anadromous fish.
- The second column of Page 399 discusses the relationship between salmon and river flows, and is consistently contradictory. First it is stated (without citation) that "There is a positive relationship between spring outflow at Vernalis on the San Joaquin River and at Ripon on the Stanislaus River to the number of adults reaching the river 2 ½ years later." Then, the same paragraph later states that the results of smolt survival tests showed that "no obvious relationship between flow and smolt survival resulted from these tests," and that despite recent greater flow releases, "the chinook salmon population did not rebound." Yet, the next paragraph discusses yet more additional flows (seemingly – overall the discussion of flows in these two paragraphs is extremely confusing) and states "The recommended flows represent the minimum needed for salmon spawning, rearing, and emigration on the lower Stanislaus River. These flows would represent a significant improvement over existing required stream releases but are not optimum flows, particularly in drier water years." In short, first CALFED makes the unsubstantiated assertion that more flows mean more salmon, then contradicts this by stating that increased flows did not results in salmon increases, and then states that more flows are desirable because more flow will increase salmon. How does CALFED reconcile these contradictions? Note that the unresponsiveness to salmon to flow levels implies that salmon are being severely impacted elsewhere, with the most likely cause being excess harvest by commercial and recreational fishing.
- Please cite directly to the "smolt survival studies" mentioned on page 399.

Page 400

- Once again, please cite to the sources the CALFED relied upon in is discussion on page 400 concerning the relationship between water temperature and salmon. Specifically, what are the sources for the statement that "Elevated water temperatures were a major cause of the delay"?
- There are several references to "the lower Stanislaus River." What is the boundary between the lower and upper Stanislaus River? Why is this significant?
- At what levels of storage do New Melones water releases affect the temperature of the Stanislaus River? Is this the same every year, or does it also depend on other conditions, as well? What data or evidence existing for this assertion? Any quantification?

Page 401

- CALFED indicates the several different aspects of salmon habitat have been degraded, including degradation of spawning gravel, loss of side channels and channel diversity, and reduced spawning gravel recruitment. How does the impact of this degradation compare to the impact of increased or decreased stream flows and stream temperatures? Or with impacts from excessive harvest? Has CALFED made any attempt to quantify the impacts so as to compare them?
- Besides the extremely brief mention of the brush rabbit, and the previous discussion of salmon and (the erroneously included discussion of) steelhead, there is no mention of the other species with which CALFED is concerned (see pages 433-437) in the description of the "Stanislaus River Ecological Unit." Instead, the discussion in the description seems entirely concerned with justifying the need for increased river flows. Do these other species even live in the Stanislaus River Basin? If so where? Do they need protection? Does their habitat need restoration? What restoration? Where? Please include in the description of the "Stanislaus River Ecological Unit" a discussion of all the species of the Stanislaus River Basin which CALFED intends to consider in the ERPP.

Page 409

- What is the relationship between the CALFED ERPP and the AFRP? Does CALFED intend to adopt the AFRP results wholly, no matter what those results are? If so, then what exactly is CALFED adding to the process? How can CALFED justify the wholesale adopting of AFRP flows when the AFRP process is on-going, and thus its results preliminary and subject to change?

Page 420-421

- Flows on the Stanislaus River are limited to 1,500 cfs because of flooding issues below Goodwin Dam. Therefore, CALFED's call for flows of up to 3,000 and 4,000 cfs simply cannot be meet, and should therefore be removed from consideration in the ERPP. CALFED attempts to justify the inclusion of these elevated flow levels on page 422 by stating "The recommended flow events on the Stanislaus River may be constrained in the short-term by flood control concerns below Goodwin Dam. Full implementation of the proposed flows may depend on land use changes in the floodplain that could be inundated by the flow effects." While CALFED attempts to soften the language, there is no "may" involved with this issue. Flows over 1,500 cfs are not allowed, except for flood control releases, because of downstream flooding problems. This problem can only be solved by changing the use of the land flooded. CALFED may like to purchase this land or a conservation or flood easement of some kind, but according to page 428 will only do so from willing sellers. Thus, CALFED may not be able to buy this land or otherwise regulate its use so flooding it does not have an impact. CALFED should not include impossible flows as part of the ERPP.

Page 422-23

- Please provide citations for the discussion on Stanislaus River Flows. Also, please reconcile the statements here that increased flows results in increased salmon with the previous statements on page 399 that evidence gathered from actual increased flow events indicated that increased flows had no effect on salmon survival. Again, please provide specific cites to the "smolt survival studies" relied upon by CLAFED, and all other studies and scientific data that support the proposition that increased flows result in increased salmon.

Page 430

- Please explain when harvest reductions will be considered "necessary." CALFED itself indicates that in fall 1991, less that 700 salmon returned to the Stanislaus, Tuolumne, and Merced Rivers combined (pages 401, 403, 407). How can CALFED justify any harvest with this low level of spawning?

As can be seen from the majority of the comments, OID and SSJID are deeply concerned that CALFED has simply decided what it wants to do, which is to force increased flows, and is now trying to justify that decision. Obviously, the process should work in completely the opposite manner, with the science and information gathered concerning the ecosystems of the Delta leading the decision on how to best protect the salmon and other species of the Delta. We would like to continue to work with CALFED in developing a fair, equitable, and effective program that will both protect and restore the Delta ecosystem and ensure a safe and reliable water supply for the many citizens and businesses in California that rely on the waters of the Delta watershed. CALFED needs to focus on the science and facts, and not be driven by politics and guesses.

Please contact me with any questions or comments.

Yours very truly,

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and the
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